

DEFINING “PHYSICAL DISABILITY” FOR LTC FUNCTIONAL SCREEN TARGET GROUP

Guidelines for Screeners Developed with DHFS Workgroup*

The WI statutory definition of Physical Disability is on the back page of the functional screen (LTC FS). Screeners check the PD target group only if the person’s condition meets the statutory definition.

Physical disability is defined in section 15.197 (4) (a) (2) of the Wisconsin statutes as follows:

“A physical condition, including an anatomical loss, or musculoskeletal, neurological, respiratory or cardiovascular impairment, which results from injury, disease or congenital disorder and which significantly interferes with or significantly limits at least one major life activity of a person.”

The phrase “major life activity” is defined in subsection (4) (a) (1) of the same statute and includes:

“self-care, performance of manual tasks unrelated to gainful employment, walking, receptive and expressive language, breathing, working, participating in educational programs, mobility other than walking, and capacity for independent living.”

LTC FS target group question requires that a “Person has long-term care needs related to...” one or more of the listed target groups. Consider these questions:

1. Does person have “long-term care needs”-- defined as help from other people (or specific adaptive aids for mobility and bathing)?

Sometimes people have debilitating conditions but they do not create long-term care needs defined as help from other people (or specific adaptive aids for mobility and bathing). For example, a person may lose their job due to multiple chemical sensitivities. They need environmental accommodations to work, but they do not necessarily have long-term care needs defined as help from other people (or specific adaptive aids for mobility and bathing). Ask what long-term care needs the person has, especially in his or her own home.

2. Are the LTC needs expected to last according to your program’s requirements?

Sometimes the person’s functioning has already been limited prior to the screening date, but the screen requires them to last according to your program’s requirements.

3. Are the needs related to one of the LTC FS Target Groups?

For physical disability, ask whether the physical condition meets the statutory definition. This means the condition must significantly interfere with or significantly limit at least one major life area. “Significantly” means that the limitation meets both criteria A and B, below:

A. Cannot be accommodated with adaptations people commonly make. Examples of common adaptations:

- Knee brace, other over-the-counter braces.
- Lighter grocery bags if unable to lift over 5 lbs; buy quart of milk if unable to lift gallon.
- Wear shoes with more toe space for hammertoe.
- Sit in chair if uncomfortable standing, e.g., while washing dishes or preparing meals.
- Use public transportation if unable to drive.
- Move to first floor apartment if unable to climb stairs.
- Change jobs to accommodate condition. Examples:
 - Painter who develops allergy to paint fumes changes to management job.
 - Teacher with multiple chemical sensitivities to perfumes and soaps changes to desk job in small office where scent-free accommodations can be made.

B. Person is not able to perform the tasks to meet their needs, and requires help from others.

- “Unable” means that the person is not able to complete a task now without significant negative outcomes.
- “Unable” also means that if the person is getting help now, and if the help were unavailable, they could not do it themselves (without negative outcomes).

*Although this tool may help determine if a person meets this target group, it does not help determine MA financial eligibility. Additionally, people under age 65 require a disability determination to be eligible for waiver services.